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11 Attorney for Kevin Figgers

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 KEVIN FIGGERS,

18 Defendant.

19 Case No. 2:20-mj-00302-DJA

20 **ORDER TO CONTINUE
PRELIMINARY HEARING
(Second Request)**

21 IT IS HEREBY STIPULATED AND AGREED, by and between
22 Nicholas A. Trutanich, United States Attorney, and Melanee Smith, Assistant United
23 States Attorney, counsel for the United States of America, and Rene L. Valladares,
24 Federal Public Defender, and Nisha Brooks-Whittington, Assistant Federal Public
25 Defender, counsel for Kevin Figgers, that the Preliminary Hearing currently scheduled on
26 June 19, 2020 at 4:00 p.m., be vacated and continued to a date and time convenient to the Court,
but no earlier than sixty (60) days.

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1 The Stipulation is entered into for the following reasons:

2 1. Defense counsel needs additional time to meet with her client to discuss the
3 case and if necessary, to prepare for the preliminary hearing. The parties are involved in
4 discussions and may possibly negotiate this case which may obviate the need for a preliminary
5 hearing.

6 2. The defendant is incarcerated and does not object to the continuance.

7 3. The parties agree to the continuance.

8 4. The additional time requested by this stipulation is excludable in computing the
9 time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,
10 United States Code, Section 3161(b), considering the factors under Title 18, United States
11 Code, Section 3161(h)(7)(A) and (B)(i) and (iv). The additional time requested by this
12 stipulation also is excludable in computing the 90-day speedy trial clock imposed by the Speedy
13 Trial Act, Title 18, United States Code, Section 3161(c), considering the factors under Title 18,
14 United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

15 5. This continuance is not sought for purposes of delay, but to account for the
16 Court's limited resources and the necessary social-distancing in light of the COVID-19 public
17 health emergency.

18 6. Denial of this request could result in a miscarriage of justice, and the ends of
19 justice served by granting this request outweigh the best interest of the public and the defendant
20 in a speedy trial.

1 This is the second stipulation to continue filed herein.

2 DATED this 18th day of June 2020.

3 RENE L. VALLADARES
4 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

5 */s/ Nisha Brooks-Whittington*
6 By _____
7 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

5 */s/ Melanee Smith*
6 By _____
7 MELANEE SMITH
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
KEVIN FIGGERS,
Defendant.

Case No. 2:20-mj-00302-DJA

ORDER

IT IS ORDERED that the Preliminary hearing currently scheduled for Friday, June 19, 2020 at 4:00 p.m., be vacated and continued to August 21, 2020, at the hour of 4:00 p.m. in Courtroom 3A.

18th
DATED this ____ day of June 2020.

Devo

DANIEL J. ALBREGTS
U.S. Magistrate Judge